

(2) Recommendations for further legislation or administrative action that the Administrator considers appropriate to create a centralized, comprehensive Federal contracting and Federal grant database.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3033, the Contractors and Federal Spending Accountability Act of 2008, will help give Federal contracting officials the information they need to award contracts to most deserving companies. The Federal Government must spend taxpayer dollars as efficiently and responsibly as possible, and it is our job to make sure that happens. This bill will help Federal officials to decide whether or not a company bidding for a contract is responsible enough to get it.

If someone has to spend a lot of money on something, like a car, the responsible thing to do is to make sure that the person or dealership you will be doing business with is responsible and won't rip you off. You would want to find all the information that you can about how they do business.

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H.R. 3033 mandates the creation of a database that will record legal proceedings brought by the Federal Government and State governments against contractors. It will also record suspensions and debarments, whether previous contracts have been terminated for cause, and any previous finding by contracting officials that a company does not have a satisfactory record of integrity and business ethics. All Federal officials who award contracts will have access to this data, and it will go a long way to help them make informed decisions about the companies they are considering.

The bill also requires that if the database shows that someone is a repeat offender, two or more serious convictions or judgments for the same issue within 3 years, then the contracting officer has to explain in writing why they believe the contractor is currently responsible before a new contract can be awarded. This is another commonsense idea that will save money for the taxpayers.

I want to thank my friend and colleague from New York, CAROLYN MALONEY, for sponsoring this bill and for putting so much work into it. When she was on the New York City Council, she passed a similar law. The New York City database, called Vendex, has been a great success, and it is the model of the Federal database that this bill creates.

I also want to thank the chairman of our full committee, Congressman WAXMAN. Of course, I want to thank Ranking Member DAVIS, and I want to thank the ranking member of the subcommittee, Mr. BILBRAY, for his support as well.

Mr. Speaker, H.R. 3033 will be an important tool to help Federal officials make the best use of taxpayer dollars when awarding contracts. I am proud to be a cosponsor of the bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we rise to take up H.R. 3033, the Contractors and Federal Spending Accountability Act. This legislation would provide Federal contracting officials with information about contractors' performance and ethics.

Maintaining an ethical contractor base is critical to the integrity of the procurement system and to our Nation's governance. This bill would make a number of changes to the procurement laws in an attempt to ensure that government only contracts with responsible firms. It will require the General Services Administration to establish a publicly accessible Web site database containing information on contractors' performance and ethics.

Specifically the database would be required to include civil, criminal and administrative proceedings concluded by Federal and State Governments against Federal contractors or grant assistance recipients which result both in a finding of fault and a payment of \$5,000 or more to the government within the most recent 5-year period.

The database would also include Federal suspensions and debarments against a contractor and related administrative agreements, contract terminations for default by the contractor, and final determinations that a prospective contractor is not a "responsible" source because of performance, integrity, or ethics concerns.

Further, the bill would require the contracting or grant official to review the database to determine if, during any 3-year period, a potential awardee has had, more than once, a judgment or conviction for an offense which would constitute a cause for debarment. And if so, the official must document why a prospective awardee is eligible for award—why the prospective awardee is "presently responsible."

Additionally, the bill would require any entity seeking a Federal contract

or grant to disclose all of the information required to be included in the database. Since H.R. 3033 was introduced, it has been much improved. The original version would have created a draconian enforcement measure, establishing a "blacklist" which would defame and degrade firms merely accused of wrongdoing, not necessarily convicted or adjudicated but simply accused.

The Chamber of Commerce sent out a letter to Members dated April 22 opposing this legislation. They urged Members to oppose H.R. 3033. While I appreciate the Chamber's efforts on these issues, and I agree with the concerns that they raise, the version of the bill discussed in their letter is the version that was reported by the committee, a bill which I also did not support. But it is precisely for the reason described in the Chamber's letter that the bill was modified before we agreed to bring this bill to the House floor on suspension today. I want to note for the RECORD that the issues that we raised, the minority raised in committee and raised by the Chamber, have been fully addressed. I fully support this legislation now.

It was unclear to me what beneficial purpose would have been served by the collection of the information originally. But the chairman and the sponsor were open to our suggestions to revise the bill to include only concluded proceedings as opposed to mere allegations.

However, the most problematic section of H.R. 3033, as introduced, was the "two strikes and you're out" provision. That section would have mandated the automatic initiation of debarment proceedings against firms convicted of two offenses which otherwise would be a cause for debarment. It is appropriate to use the debarment process to prevent bad actors from getting Federal contracts, but there is no need to limit the discretion of the government's debarment officials in bringing these actions at the appropriate time. It smacks of punishment, and punishment is not what has long been and should remain the intent of the suspension debarment process. That process is to protect the government, not to punish wrongdoers.

I appreciate the opportunity to work with Chairman WAXMAN and the author of this legislation, Mrs. MALONEY, to delete what I felt was a misguided concept and replace it with the provisions in the bill we are considering today, which requires officials to take a careful look at firms with multiple convictions to determine their present responsibility.

As I pointed out during the markup of the bill, under the original "two strikes and you're out" provision, many contractors relied upon by the government, for example the Boeing company, would have debarment proceedings initiated against them. In the relevant time period, for example, Boeing had been involved in the following